

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

JORGE MONDRAGON,

Defendant.

CASE NO. CR20-0092-JCC-8

ORDER

This matter comes before the Court on Defendant's motion to compel medical care (Dkt. No. 855) and the Government's motion to seal (Dkt. No. 857). Having thoroughly considered the briefing and record, the Court DENIES Defendant's motion (Dkt. No. 855) and GRANTS the Government's motion (Dkt. No. 857) for the reasons explained herein.

Defendant seeks an order compelling the Bureau of Prisons ("BOP") to provide him with "appropriate medical care." (Dkt. No. 855 at 1.) But the Court lacks jurisdiction to consider this request. *See U.S. v. Luong*, 2009 WL 2852111, slip op. at 1 (E.D. Cal. 2009) ("the proper procedure to redress a defendant's grievances regarding treatment within a jail or prison is to file a civil suit against the relevant parties pursuant to 42 U.S.C. § 1983, rather than a motion in his criminal case.") Defendant's motion to compel (Dkt. No. 855) must, therefore, be DENIED.

The Government, in responding to Defendant's motion, provided the Court with portions of Defendant's BOP medical records (Dkt. No. 859). The Government moves to maintain this

1 record under seal, given its highly confidential nature. (*See* Dkt. No. 857). While the public has a
2 common law right to inspect and copy public records, including those from judicial proceedings,
3 these rights are not absolute. They must yield when (1) sealing a document serves a compelling
4 interest, (2) that is substantially likely to be harmed if the document is not sealed, and (3) there
5 are no less restrictive alternatives for protecting the interest. *See United States v. Doe*, 870 F.3d
6 991, 998 (9th Cir. 2017). Such is the case here. Therefore, the Court finds good cause to maintain
7 this record under seal. Accordingly, the Government's motion to seal (Dkt. No. 857) is
8 GRANTED and the Clerk is DIRECTED to maintain Docket Number 859 under seal.

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10 DATED this 23rd day of August 2022.

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A handwritten signature in black ink, reading "John C. Coughenour", is written over a horizontal line.

John C. Coughenour
UNITED STATES DISTRICT JUDGE